

September 26, 2007

Mr. Charlie Michels, Executive Director  
Professional Standards Board  
Townsend Building  
401 Federal Street  
Dover, DE 19901

RE: 11 DE Reg. 266 & 269 [Exceptional Children Special Education Teacher Regulations]

Dear Mr. Michels:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's [in collaboration with the Department of Education (DOE)] proposal to repeal the existing regulations which compile separate eligibility standards for secondary special education teachers [14 DE Admin Code 1576] and primary special education teachers [14 DE Admin Code. 1571]. In their place, the Department substitutes an abbreviated regulation for "exceptional children special education teacher" which simply cross references the standard certificate regulation, 14 Admin Code 1505. The proposed regulations were published as 11 DE Reg. 266 in the September 1, 2007 issue of the Register of Regulations. SCPD has the following observations.

First, in some respects the proposal results in a "watering down" of the standards for special education teacher certification. The current regulations authorize issuance of a standard certificate based on the following: 1) acquiring a Bachelor's degree; and 2) either completing a teacher education program in the area of the standard certificate sought (e.g. special education) or completion of specific courses. In contrast, the cross referenced §1505 (attached) does not explicitly require a Bachelor's degree for a standard certificate. Section 1505 does require a passing grade on the Praxis II exam. It then authorizes certification based on any of the following: 1) obtaining NBPTS certification; 2) graduating from a NCATE recognized program; 3) completing alternative routes to licensure; or 4) holding a Bachelor's degree plus 15 credits related to the area of certification. Contrary to Title 14 DeL.C. §1260(a)(1), the Alternate Routes to Teacher Licensure & Certification regulation [14 DE Admin. Code 1500, Section 3.1] does not categorically require a Bachelor's degree as long as an applicant has "the equivalent" (e.g. course work) of a Bachelor's degree.

Second, SCPD previously commented on establishment of a generic special education teacher certification. See attached November 30, 2006 SCPD letter commenting on 10 DE Reg 790 (November 1, 2006). As the Council noted, the skills and background related to teaching an elementary level class are quite different than those used in teaching a high school class. This concept is embodied in the Department's "regular" education certification standards which differentiate between elementary teachers (14 DE Admin. Code 1521), middle level teachers (14 DE Admin Code 1530), and secondary teachers (14 DE Admin. Code 1540-1544). The Department's rationale for creating a single K-12 special education teacher certification regulation is that there is a single PRAXIS II test. At 266-267. Conceptually, this could be perceived as the "tail wagging the dog". If a national test does not differentiate between early and secondary teachers, Delaware will simply conform to the test and treat primary and secondary special education teachers as fungible. It would be preferable to maintain discrete certification standards for primary and secondary level special education teachers.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulations.

Sincerely,

Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Valerie Woodruff  
Ms. Jean Allen  
Ms. Martha Toomey  
Ms. Paula Fontello, Esq.  
Ms. Mary Cooke, Esq.  
Ms Jennifer Kline, Esq.  
Ms. Susan Haberstroh  
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